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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,035	04/18/2002	John Stephen Chenoweth	GIC-571	5695
20028	7590	01/17/2007	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			MONTOYA, OSCHTA I	
		ART UNIT		PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/17/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/009,035	CHENOWETH ET AL.
	Examiner Oschta Montoya	Art Unit 2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/16/2003
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11, 14-25, 27 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Pocock, US 6,674,460.

Re claim 1, Pocock discloses a method for providing information in the form of video still images to television viewers on an interactive request basis, comprising the steps of: communicating said images to a receiver via virtual channels in an analog television channel signal (Col. 3, lines 58-61); selectively extracting images from said television channel signal at the receiver in response to user virtual channel requests (Col. 5, lines 51-60); storing the extracted images at said receiver (Col. 6, lines 13-17); and displaying the stored images on a television screen (Col. 6, lines 17-20); wherein images are selectable for display without communication from the user back to a television system operator (Col. 6, lines 22-29).

Re claim 2, Pocock discloses a method in accordance with claim 1, wherein one of a series of images is extracted and displayed in response to a user request based on a previously extracted image (Col. 2, lines 50-55).

Re claim 3, Pocock discloses a method in accordance with claim 1 wherein said receiver extracts an image based on at least one identifier embedded in the image (Col. 3, lines 17-19).

Re claim 4, Pocock discloses a method in accordance with claim 3, wherein said at least one identifier comprises data innocuously encoded into a portion of said image (Col. 6, lines 60-67).

Re claim 5, Pocock discloses a method in accordance with claim 1, wherein each virtual channel comprises a sequence of images provided in succession (Col. 4, lines 30-42).

Re claim 6, Pocock discloses a method in accordance with claim 5, wherein said sequence is identified by a data tag associated with each of said images (figs. 1, 2A, 2B), including at least one of an image number or a next image number (Col. 2, lines 45-49).

Re claim 7, Pocock discloses a method in accordance with claim 6, wherein the data tag further includes at least one of a virtual channel number or a category number (figs. 1, 2A, 2B, Col. 2, lines 45-49).

Re claim 8, Pocock discloses a method in accordance with claim 5, wherein said sequence is identified by data tags embedded in each of said images (Col. 2, lines 45-49).

Re claim 9, Pocock discloses a method in accordance with claim 8, wherein said data tags comprise data innocuously encoded into portions of said images (Col. 6, lines 60-67).

Re claim 11, Pocock discloses a method in accordance with claim 5, wherein the first image displayed upon selecting a virtual channel is an opening image in a succession of related images (Col. 4, lines 33-38).

Re claim 14, Pocock discloses a method in accordance with claim 5, wherein: successive but different images with identical image numbers are sent to the receiver, and the images with the identical image numbers are displayed successively in order to provide a sequential image display (Col. 5, lines 50-60).

Re claim 15, Pocock discloses a method in accordance with claim 1, wherein a plurality of virtual channels is carried in said analog television signal, the images of each virtual channel being identified by one of a category number or a virtual channel number unique to the respective virtual channel (Col. 4, lines 30-41).

Re claim 16, Pocock discloses a method in accordance with claim 1, wherein: said user virtual channel requests are made using a channel selector native to the user's receiver; and virtual channels selected by a user via said channel selector are mapped to physical channels using a channel map provided in said receiver (Col. 5 lines 48-54).

Re claim 17, Pocock discloses an apparatus for providing information in the form of video still images to television viewers on an interactive request basis, comprising: a receiver for receiving and storing images communicated via virtual channels in an

analog television channel signal (Col. 3, lines 58-61); wherein a user can selectively extract images from said television channel signal at the receiver in response to user virtual channel requests (Col. 5, lines 50) and display the stored images on a television screen (Col. 6, lines 17-20), without communication from the user back to a television system operator (Col. 6, lines 22-29).

Re claim 18, Pocock discloses an apparatus in accordance with claim 17, wherein one of a series of images is extracted and displayed in response to a user request based on a previously extracted image (Col. 2, lines 50-55).

Re claim 19, Pocock discloses an apparatus in accordance with claim 18, wherein said receiver extracts an image based on at least one identifier embedded in the image (Col. 3, lines 17-19).

Re claim 20, Pocock discloses an apparatus in accordance with claim 19, wherein said at least one identifier comprises data innocuously encoded into a portion of said image (Col. 6, lines 60-67).

Re claim 21, Pocock discloses an apparatus in accordance with claim 17, wherein each virtual channel comprises a sequence of images provided in succession (Col. 4, lines 30-42).

Re claim 22, Pocock discloses an apparatus in accordance with claim 21, wherein said sequence is identified by a data tag associated with each of said images (figs. 1, 2A, 2B), including at least one of an image number or a next image number (Col. 2, lines 45-49).

Re claim 23, Pocock discloses an apparatus in accordance with claim 22, wherein the data tag further includes at least one of a virtual channel number or a category number (figs. 1, 2A, and 2B, Col. 2, lines 45-49).

Re claim 24, Pocock discloses an apparatus in accordance with claim 21, wherein said sequence is identified by data tags embedded in each of said images (Col. 2, lines 45-49).

Re claim 25, Pocock discloses an apparatus in accordance with claim 24, wherein said data tags comprise data innocuously encoded into portions of said images (Col. 6, lines 60-67).

Re claim 27, Pocock discloses an apparatus in accordance with claim 21, wherein the first image displayed upon selecting a virtual channel is an opening image in a succession of related images (Col. 4, lines 33-38).

Re claim 30, Pocock discloses an apparatus in accordance with claim 21, wherein the receiver receives successive but different images with identical image numbers, and the receiver displays images with the identical image numbers successively in order to provide a sequential image display (Col. 5, lines 50-60).

Re claim 31, Pocock discloses an apparatus in accordance with claim 17, wherein a plurality of virtual channels is carried in said analog television signal, the images of each virtual channel being identified by one of a category number or a virtual channel number unique to the respective virtual channel (Col. 4, lines 30-41).

Re claim 32, Pocock discloses an apparatus in accordance with claim 17, wherein: said user virtual channel requests are made using a channel selection device native to the user's receiver; and virtual channels selected by a user via said channel selection device are mapped to physical channels using a channel map provided in said receiver (Col. 5, lines 48-55).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pocock, US 6,674,460 in view of Broadwin et al, US 5,903,816.

Re claim 10, Pocock discloses a method in accordance with claim 5. Pocock fails to teach wherein a first image displayed upon selecting a virtual channel is an opening menu channel, from which a user can choose a category and can enter an image number to retrieve a desired image from that category. However, Broadwin teaches a selection guide where the user can choose a category or input a number with the remote control to retrieve the image information (Figs. 17 and 18, Col. 17, lines 55-67, Col. 18, lines 1-13)

Therefore, taking the combine teaching of Pocock and Broadwin as a whole, it would have been obvious to one of ordinary skill in the art to have Pocock's method with Broadwin's ability to choose a category or input a number to retrieve the image

information from the selection guide. The motivation would have been to give options to the user.

Claim 26 is rejected on the same grounds as claim 10.

***Claim Rejections - 35 USC § 103***

5. Claims 12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pocock, US 6,674,460 in view of Lawler, US 5,907,323.

Re claim 12, Pocock discloses a method in accordance with claim 11. Pocock fails to teach wherein the images comprise an electronic programming guide. However Lawler teaches that the images comprise an electronic program guide (Figs. 3A and 3B, Col. 5, lines 55-67).

Therefore, taking the combine teaching of Pocock and Lawler as a whole, it would have been obvious to one of ordinary skill in the art to have Pocock's method with Lawler's electronic program guide. The motivation would have been to present the user a more concise picture.

Claim 28 is rejected on the same grounds as claim 12.

***Claim Rejections - 35 USC § 103***

6. Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pocock, US 6,674,460, in view of Brandon, US 4,924,303.

Re claim 13, Pocock discloses a method in accordance with claim 5. Pocock fails to teach wherein the sequence of images provides one of an animation or slide show. However Brandon teaches that the images could be slide show (Col. 13, lines 55-67).

Therefore, taking the combine teaching of Pocock and Brandon as a whole, it would have been obvious to one of ordinary skill in the art to have Pocock's method with Brandon's slide show presentation. The motivation would have been to have a more dynamic method.

Claim 29 is rejected on the same grounds as claim 13.

***Claim Rejections - 35 USC § 103***

7. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pocock, US 6,674,460 in view of Harrison, US 6,490,726.

Re claim 33, Pocock discloses an apparatus in accordance with claim 32, wherein the channel selection device comprises at least one of a local control or a remote control. Pocock fails to teach that the remote control includes a first function to cause a virtual channel's opening image to be captured and displayed; a second function to cause the receiver to recognize numeric entries as image numbers; a third function to access a cache of stored image numbers corresponding to previously viewed images and to reacquire the previously viewed images; and a fourth function to cause the next image in a series of images to be displayed. However Harrison teaches a remote control that includes a first function to cause a virtual channel's opening image to be captured and displayed; a second function to cause the receiver to recognize numeric entries as image numbers; a third function to access a cache of stored image numbers corresponding to previously viewed images and to reacquire the previously viewed images; and a fourth function to cause the next image in a series of images to be displayed (Fig 3, Col. 5, lines 15-20).

Therefore, taking the combine teaching of Pocock and Harrison as a whole, it would have been obvious to one of ordinary skill in the art to have Pocock's apparatus with Harrison's remote control fuctions. The motivation would have been to give more interactive tools to the user.

Re claim 34, Pocock discloses an apparatus in accordance with claim 33. Pocock fails to teach wherein each of said control functions is actuated using at least one corresponding function button on said channel selection device. However, Harrison teaches wherein each of said control functions is actuated using at least one corresponding function button on said channel selection device (Col. 4, lines 8-12).

Therefore, taking the combine teaching of Pocock and Harrison as a whole, it would have been obvious to have Pocock's apparatus with Harrison's remote control fuctions actuated using the push buttons. The motivation would have been to give more interactive tools to the user.

### Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oschta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER